

# Data Protection and Digital Information Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 109**

LORD LUCAS

Clause 109, page 133, line 21, leave out “(2D)” and insert “(2F)”

LORD LUCAS

Clause 109, page 135, line 19, at end insert –

“(2E) Paragraph (1) does not prevent a person storing information, or gaining access to information stored, in the terminal equipment of a subscriber or user if –

- (a) the sole purpose of the storage or access is to enable the person to collect information for statistical purposes about the size and composition of the audience of the service with a view to generating audience measurement information,
- (b) any information that the storage or access enables the person to collect is not shared with any other person except for the purpose of enabling that other person to assist with generating audience measurement information,
- (c) the subscriber or user is provided with clear and comprehensive information about the purpose of the storage or access, and
- (d) the subscriber or user is given a simple means of objecting (free of charge) to the storage or access and does not object.

(2F) In this paragraph, “statistical purposes” means the production of statistical results in aggregate form.”

LORD LUCAS

Clause 109, page 136, line 17, at end insert –

- “(f) to measure or verify the performance of advertising services delivered as part of the service requested to enable website owners to accurately charge for their advertising services.”

**Member's explanatory statement**

*This amendment seeks to ensure that the technical storage of, or access to, information is considered strictly necessary if it would support the measurement or verification of the performance of advertising services to allow website owners to charge for their advertising services more accurately.*

LORD LUCAS

Clause 109, page 137, line 20 at end insert –

- “(2A) Where a user gives their consent or objection directly to the website operator, that consent or objection must override any previous consent or objection given automatically under paragraph (2).”

**Member's explanatory statement**

*This amendment seeks to ensure that where someone has set a generalised choice (“yes” or “no”) via a centralised mechanism about websites’ use of cookies, as envisaged by this new Regulation, they can still express a specific and/or different choice for the particular site they are using. In that case, that specific choice is the one that will apply to their use of that site.*

LORD LUCAS

Clause 109, page 137, line 34, at end insert –

- “(ba) representatives of persons likely to be affected, and”

LORD LUCAS

Clause 109, page 137, line 39, at end insert –

- “(7A) Before laying a draft statutory instrument under paragraph (7), the Secretary of State must carry out and publish –
- (a) an assessment of the likely impact of implementing the regulations that sets out, in the Secretary of State’s opinion –
    - (i) the impact of making the regulations on competition, and
    - (ii) the legal effect of making the regulations on the application of these Regulations and the UK GDPR.
  - (b) the requirements under paragraph (1) must include that –
    - (i) the technology can capture and automatically communicate a user’s consent or objection and is sufficiently available and ready for use by website operators, relevant third parties, and website users,
    - (ii) the available technology functions effectively, accurately and reliably and is interoperable with relevant existing technology, and
    - (iii) the available technology functions in accordance with the relevant requirements set out in these Regulations and the UK GDPR that apply to the technology provider, the website

operator or any third party that will receive or use the information given by that technology.”

### After Clause 149

BARONESS JONES OF WHITCHURCH

After Clause 149, insert the following new Clause –

#### “Offence of creating or sharing political deepfakes

- (1) A person (A) commits an offence if –
  - (a) A sends a communication by electronic means which consists of content –
    - (i) generated by artificial intelligence, and
    - (ii) purporting to be a genuine statement from a political figure; and
  - (b) A’s act was intended to create the impression that the political figure has said or done something that is not based in fact.
- (2) In this section “political figure” means a person who –
  - (a) holds public office,
  - (b) is, during a regulated campaign period, a candidate for public office, or
  - (c) has, outside of a regulated campaign period, publicly stated their intention to stand for public office.
- (3) The Secretary of State may by regulations introduce exemptions to the offence under subsection (1).
- (4) In making regulations under subsection (3), the Secretary of State must have due regard to the public interest in balancing freedom of speech while preserving the integrity of elections in the United Kingdom.
- (5) Regulations under subsection (3) are subject to the affirmative procedure.
- (6) A person who commits an offence under subsection (1) is liable –
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (7) In Schedule 7 of the Online Safety Act 2023, after paragraph 39 insert –

#### “Election interference

- 40 An offence under section (*Offence of creating or sharing political deepfakes*) of the Data Protection and Digital Information Act 2024 (*offence of creating or sharing political deepfakes*).”

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*29 February 2024*

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